IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.831 OF 2004

Avinash Shankar Rao Shirole ...Petitioner

Versus

Bhagyashree Avinash Shirole & Ors. ...Respondents

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Mr.Dinesh P.Adsule for Petitioner.

Mr.V.B.Nighot for Respondent No.1.

Mr.S.R.Shinde, A.P.P. for Respondent No.3.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 8, 2004.

P.C.

1. Heard Counsel for the parties.

2. This matter has been listed on the submission that attachment proceedings are taken out against the Petitioner. Indeed, the matter is pending after notice. No interim relief has been granted to the Petitioner so far. The Petitioner is liable to pay sum of over Rupees Two Lakhs under

the impugned order.

3. By way of indulgence, operation of the impugned order will be stayed, provided the Petitioner deposits sum of Rupees One Lakh in this Court within two weeks from today, failing which, Petition shall stand dismissed for non-prosecution without further reference to the Court.

4. On such deposit being made, Respondent No.1 will be entitled to withdraw the amount on giving undertaking that in the event, the Petition succeeds or if such order is to be passed by this Court, the amount will be redeposited in this Court within a reasonable time.

5. In the event, the amount is deposited in time as specified, Petition be placed for further hearing on 10th January 2005.

A.M.KHANWILKAR, J.